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INTELLECTUAL PROPERTY

IAP20 Rec'd PCT/PCT 22 MAR 2006

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20 July 2005  
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Confirmation to follow

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CONFIRMATION

Attention: Matthew Hollingworth

re: Eurekster, Inc  
International Application No. PCT/NZ2004/000228  
Enhanced Search Engine  
Our Ref: 43043x344 / 32 SE

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Thank you for your written opinion, mailing date 12 January 2005 with respect to the above application.

Referring to that report:

Box No. V, No 2 – Novelty/Inventive Step

The examiner has asserted claims 1-11, and others are anticipated by documents D1 and D2 and that claims 1-84 lack inventive step in light of D1.

Claim 1 of the present invention states:

- 1 A search engine system capable of displaying *indicative information* to a user from *searches* performed by one or more entities connected directly or indirectly with the user.

Page 7, paragraph 1 goes on to state:

In its broadest sense, the present invention provides two forms of *indicative information*, namely *search suggestions* and *search results weighting*. Whilst both forms of information are known, neither has been previously derived from the search activities of the *user contacts* [entities].

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This is quite key in understanding the distinction of the present invention over the citations D1' and D2 and the advantages conferred. The present invention effectively provides a passive learning system with a 'statistical memory' that collects, collates and interprets statistical information from the search activities of entities known to the user.

In contrast, D1 details a system that filters search results based on the *affinity* the result has over the user's contacts. This affinity is based on an active ranking of how useful the individual found the result, e.g. rating a particular book. This linking of 'people to results' rather than linking to 'people to search queries' and 'searches to results people clicked on' is a significant conceptual difference in how the system of D1 differs from the present invention. The operation of D1 is encapsulated on page 4, filings 1 - page 5, line 9.

After performing a standard key-word search, eg. for a book, the results are filtered for an association with a *referee* (ie someone connected to the user's personal social network (PSN)), wherein the relationship between the user and each *referee* is defined by a *relation*. Results for non-PSN users are eliminated. Results are then further filtered (*affinity ordered*) according to a *rating* of the result actively supplied by the *referee*. The user may then rank results according to the *rating* given by the *referee* or the *relation* the user has with the *referee*.

This system is in complete contrast to the present invention in which the *indicative information* provided to a user does not include:

- a mandatory identification of the PSN member contributing to the search results;
- an indication of the specific *relation* between the user and an individual *referee/entity* or,
- a *rating* applied by a *referee* to results

D1 is an active system which requires the users to rate products or search results and links people to results rather than linking people to search queries. Thus, D1 essentially provides a means for the user to assess which member of their PSN to accept recommendations from rather than aggregating the activities of all the search activities of a PSN to provide search *suggestions* or *weighting* of the search results.

It is thus submitted that D1 does not in fact anticipate the present invention as claimed, nor provide a clear direction to the reader to adapt the teaching of D1 to provide the features and capability of the present invention. We thus submit it does not render the present invention obvious.

D2 is a very brief document outlining the construction and use of a system combining social networks and on-line referrals to form a "referral web". It provides no teaching whatsoever of a means to quantify and filter the internet searching activity of the users contacts in order to provide *suggestions* and/or *search results weighting* from which the user may make their selection when undertaking a search for a particular search term.

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IAP20 Rec'd PCT/PTO 22 MAR 2006

It is thus submitted that D2 neither anticipates nor renders obvious claim 1 of the present invention.

We look forward to the examiner's reconsideration of the above points.

Yours sincerely  
**JAMES & WELLS**

  
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